



STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2014-33 Legistar #: 20140854

Board of Zoning Appeals Hearing: Monday, August 25, 2014 – 6:00 p.m.

Property Owner: James Freeman
380 Clark Creek Pass
Acworth, GA 30102

Applicant: Keith Cristal
1794 Roswell Road
Marietta, GA 30062

Address: 795, 785 & 775 Pickens Industrial Drive

Land Lot: 10680 District: 16 Parcels: 0320, 0330 and 0340

Council Ward: 6A Existing Zoning: LI (Light Industrial)

Special Exception / Special Use / Variance(s) Requested:

1. Variance to allow gravel as an acceptable surface treatment for vehicle storage. [§716.08 (A) and (B)]

Statement of Fact

As per section 720.03 of the Comprehensive Development Code of Marietta, the Board of Zoning Appeals may alter or modify the application of any such provision in the Development Code because of unnecessary hardship if doing so shall be in accordance with the general purpose and intent of these regulations, or amendments thereto, and only in the event the board determines that by such alteration or modification unnecessary hardship may be avoided and the public health, safety, morals and general welfare is properly secured and protected. In granting any variance the board of zoning appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of these regulations and may designate conditions to be performed or met by the user or property owner, out of regard for the public health, safety, comfort, convenience, and general welfare of the community, including safeguards for, with respect to light, air, areas of occupancy, density of population and conformity to any master plan guiding the future development of the city. The development costs of the applicant as they pertain to the strict compliance with a regulation may not be the primary reason for granting a variance.

Criteria:

1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.

2. Granting the application *is/is not* necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.
3. Granting the application *will/will not* be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

PICTURES



785 Pickens Industrial Drive



775 Pickens Industrial Drive

Recommended Action:

Denial. The applicant, Keith Crystal, is requesting a variance for property at 775, 785 and 795 Pickens Industrial Drive in order to store vehicles on a non-paved surface (gravel). The subject properties are zoned LI (Light Industrial). To the north is another property zoned LI and containing industrial warehouse buildings. A warehouse/office building, also zoned LI, is located on the parcel to the east. The adjacent property to the south is zoned R-2 (Single Family Residential – 2 units/acre) and contains a residential structure that may possibly operate as a car repair facility.

The northernmost property, 795 Pickens Industrial Drive, contains a billboard (with LED faces) that is also used for parking buses. This bus parking area covers approximately the north half of the property. The southern half is grass. The middle parcel, 785 Pickens Industrial Drive, is an undeveloped grass field. The southernmost parcel, 775 Pickens Industrial Drive, has a paved parking lot used to store Kubota equipment, as well as a billboard.

The area of this industrial park is located east of Interstate 75, and just beyond the on-ramp from the North Marietta Parkway intersection. This area is very visible to north-bound travelers on the interstate, as the land lies lower than the roadway elevation. In addition, there are no trees planted along the interstate to act as a visual buffer to screen the storage area.

The applicant is requesting a variance to allow the grassy/unpaved portions of these three lots be covered in gravel for the purpose of parking tractor trailers, recreational vehicles, and other vehicles. According to the applicant, none of the vehicles being stored at this location will be towed there. Using gravel instead of impervious pavement is more beneficial to the environment because it allows water to penetrate into the ground, rather than inundate nearby streams and storm systems. Sope Creek runs along the northern property line of 795 Pickens Industrial Drive. Using gravel would minimize impacts on the stream because it would allow more water to percolate into the ground and therefore reduce the number of pollutants entering the stream. However, pavement allows water runoff to be collected and treated before being discharged into streams and storm systems. The Marietta Public Works Department also has the following comment:

A small stream drains the Interstate from southeast to northwest to Sope Creek. This stream requires a stream buffer of 25', a City stream buffer of 50', with an Impervious Area Setback of 75' from wrested vegetation on the site plan.

The applicant has been involved in the following cases, which have received approval to use gravel as an acceptable surface at the following locations, which were much less visible:

| Case # | Address | Variance |
|--------------------|-----------------|--|
| Z2013-20 (SLUP) | 140 Dodd St | • To allow gravel as an approved surface for automobile storage. |
| V2013-15 | 1798 Roswell Rd | • Allow boat/RV storage areas to be covered with gravel, slate, stone |
| Z2010-11 | 2012 Airport Ct | • Variance to allow gravel as an approvable surface for automobile storage |



Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Brian Binzer, Director

Despite there being a consistent precedent with waiving this regulation, there is no clear justification for why this property cannot adhere to the regulations that apply to all other properties in the city. There are no circumstances that apply to this property or applicant that do not also apply to most every other property or applicant in the city. Therefore, ***staff recommends denial.*** However, should the Board consider approving this variance, they may wish to consider requiring an evergreen buffer to be planted along the interstate right of way to screen the storage area. They may also wish to consider a request to City Council to revisit the ordinance governing the use of approvable surfaces for parking and/or storing of vehicles.